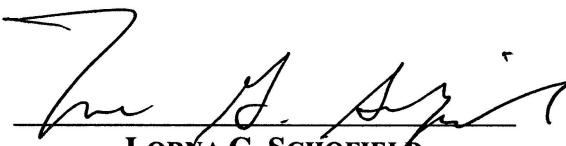


Application GRANTED. The initial pretrial conference scheduled for March 29, 2023, is adjourned to **April 19, 2023, at 4:20 P.M.** The deadline for the parties to file the joint letter and proposed civil case management plan and scheduling order in advance of that conference is extended to **April 12, 2023, at noon.**

Dated: March 16, 2023
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Re: *Deirdre Kennedy et al. v. Intelerad Medical Systems, Inc. et al., 1:23-cv-00592-LGS*
Request to Adjourn March 29, 2023 Conference

Dear Judge Schofield:

Defendants have retained this firm in connection with the above-captioned action.

On February 27, 2023, Plaintiff's counsel provided me a copy of Your Honor's February 16, 2023 Order. See Docket Nos. 7 and 8. In accordance with Your Honor's Rule I.B.2., we write to request (a) an adjournment of the March 29, 2023 Telephone Conference until April 14, 2023; and (b) a corresponding extension of the March 22, 2023 joint letter/IPTC Materials deadline until April 7, 2023, at the earliest. See Docket No. 7. This is Defendants' first request for such adjournment, Plaintiffs consent to this request, and no other deadlines would be impacted in granting such request.

While Plaintiffs filed a "Certificate of Service," see Docket No. 8, Defendants have yet to be served in this action. Although the Parties agreed to file a Stipulation in short order, where Defendants will waive service – at opposing counsel's request, the Stipulation will allow Defendants until April 27, 2023, to answer or respond to the Complaint.¹

The adjournment requested would provide Defendants with sufficient time to assess the claims against them, the viable defenses they could present, and address the key pieces that your Honor's February 16, 2023, Order covers, including whether Defendants will move to dismiss Plaintiffs' Complaint and the grounds for such motion, prior to the stipulated deadline.

We thank the Court for its time in addressing this matter.

Respectfully submitted,



Joseph J. Flanagan

¹ Intelerad Medical Systems, Inc. is a Canadian company, while Lumedx was based in United States when it was an active entity. Under the Federal Rules of Civil Procedure, Intelerad would have 90 days from the date opposing counsel requested waiver of service to answer or otherwise move, while Lumedx – as a United States entity – would have 60 days. See Fed. R. Civ. P. 4(d). For the sake of a uniform deadline, the Stipulation to be filed would provide both Defendants 90 days from the date opposing counsel requested waiver of service (January 27, 2023) to answer or otherwise move.